

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Species 2 of Figures 4 and 5 in the reply filed on 7/24/2009 is acknowledged.

Claim 7 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/24/2009.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the at least partially open front face (claim 1), the drawer (8) being slidably mounted horizontally in the supporting cabinet between a retracted position and an extended position (claim 1), the horizontal pivot axis (claim 1), and the block cooperating releasably with the upper face of the shelf (Claim 5) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

Art Unit: 3637

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because of numerous grammatical and typographical errors. The abstract should be rewritten as, "The invention relates to a product display shelf, comprising a supporting cabinet, a drawer, slidably mounted in the supporting cabinet, said drawer containing a part of the products and an adjustable display unit, pivotably mounted on the front end of the drawer, whereby locking means are provided for ~~selectively~~ *selectively* locking the display unit in relation to the drawer and said display unit ~~is-being~~ suitable for containing at least one sample of said products." Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear as to what the applicant is claiming in reference to "characterized in that it further comprises".

Regarding claim 1, the drawer (8) being slidably mounted horizontally between a retracted position and an extended position in the supporting cabinet is not adequately described by the specification or drawings, being that there is no evidence of any drawer-like mechanism for the drawer to perform such a function. According to the drawings, it seems as though the drawer (8) is merely sitting on support (2). There is no retracted position or extended position.

Regarding claim 1, Applicant should specify what limitation is being referred to by "it". For purposes of examination, "it" will be interpreted to be the entire product display stand. Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 5, 8, and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said products" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 3637

Regarding claim 8, it is unclear as to how the rod (15) can be “fixed in rotation” to the drawer, since the terms “fixed” and “in rotation” seem to contradict each other. An object being fixed seems to imply that it does not move, but an object in rotation seems to imply that the object is in movement.

Claim 10 recites the limitation “the rear” in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: Regarding claim 1, how the drawer (8) is slidably mounted in the supporting cabinet (13). Regarding claim 2, how the display unit is configured to allow pivoting between a first position where said display unit extends substantially horizontally and a second position where said display unit extends downward from the drawer. Regarding claim 4, how the lower face (7a) of the block (7) is suitable for cooperating with said upper face (23a) of the shelf (23) in order to fix said block to said shelf. Regarding claim 5, how the block (7) cooperates releasably with said upper face (23a) of the shelf (23).

Claims 1, 6, and 9 are indefinite for claiming the product display stand in terms of products (10). Since the claims are directed to a stand, per-se, the product is considered an intended use which is given very little patentable weight. To claim the products, applicant should rewrite the claim as “a combination of a product display stand and products.” If applicant wants to maintain the claim as a subcombination of

Art Unit: 3637

products, then claims 1, 6, and 9 should be written using "adapted for" language.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

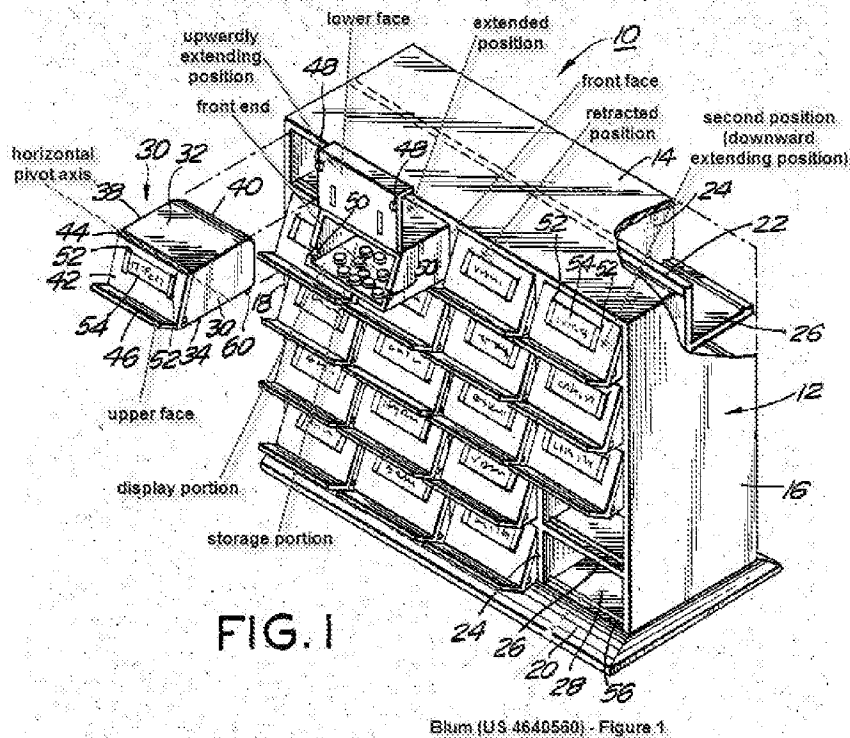
Claims 1, 2, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Blum (US 4640560).

Regarding claim 1, Blum discloses a product display stand (10) comprising a supporting cabinet (12) which has an at least partially open front face (the front face defines the borders of the grid-like configuration where the drawers are inserted between the borders, and because they are not covered by the drawers, they are exposed and open; see annotated Figure 1) and a rear face (22), drawers (30) slidably mounted horizontally in the supporting cabinet between a retracted position and an extended position (see annotated Figure 1) where said drawer is displaced toward the front face of the supporting cabinet (Figure 1), and said drawer having a front end (see annotated Figure 1) oriented toward the front face of the supporting cabinet (Figure 1), characterized in that it further comprises at least one adjustable display unit (42) which is pivotably mounted to the drawer by connecting means (44) on the front end of the drawer about a horizontal pivot axis (see annotated Figure 1) substantially parallel to

Art Unit: 3637

the front face of the supporting cabinet, locking means (48,50; Column 4 Lines 8-14) being provided.

With respect to the limitation that the drawer is suitable for containing at least some of said products, the locking means is for selectively locking the display unit relative to the drawer, the display unit is suitable for displaying at least one sample of said products, and the stand is arranged so that a person standing in the vicinity of the front face of the supporting cabinet may see the contents of the display unit, the examiner takes the position that it's an intended use which is given no patentable weight. In addition, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Macham*, 2 USPQ2d 1647 (1987). The stand of Blum is inherently capable of having a drawer suitable for containing at least some products, having locking means for selectively locking the display unit relative to the drawer, having a display unit suitable for displaying at least one sample of said products, and having the stand arranged so that a person standing in the vicinity of the front face of the supporting cabinet may see the contents of the display unit.



Regarding claim 2, Blum discloses the display unit configured to allow pivoting between a first position where said display unit extends substantially horizontally (for the display unit to pivot between a upwardly extending position, as seen in annotated Figure 1, and a downwardly extending position, the display unit must have a horizontal position in order to complete the pivoting motion between the upwardly extending and downwardly extending position) and a second position (annotated Figure 1) where said display unit extends downward from the drawer (the display unit extends downward from the connecting means (44) at the top of the drawer).

Regarding claim 9, Blum discloses the stand (10) in which the drawer (30) comprises, in the vicinity of its front end, a display portion (while the display unit is in an upwardly extending position; see annotated Figure 1).

With respect to the limitation that the display portion is suitable for containing at least one sample of said products, and that the stand is arranged so that a person in the vicinity of the front face of the supporting cabinet may see the display portion of the drawer, the examiner takes the position that it's an intended use which is given no patentable weight. In addition, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Macham, 2 USPQ2d 1647 (1987).

Regarding claim 10, Blum discloses the stand (10) in which the drawer (30) further comprises, at a rear of the display portion (see annotated Figure 1), a storage portion (see annotated Figure 1).

With respect to the limitation that the storage portion suitable for containing at least some of said products, the examiner takes the position that it's an intended use which is given no patentable weight. In addition, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Macham, 2 USPQ2d 1647 (1987).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 3637

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Blum in view of Daoud (US 6263543).

Regarding claim 8, Blum does not disclose the display unit and the drawer being hinged by a journal connected to the display unit and by a front part of the drawer relative to which the journal is suitable for being able to pivot in which the journal comprises a plurality of housings and in which the locking means comprise at least one rod fixed in rotation to the drawer and suitable for sliding relative to the journal between a locked position and an unlocked position, and at least one tooth fixed to the rod and suitable for cooperating selectively with one of said housings in the locked position and for being removed from said housing in the unlocked position.

Daoud teaches a display unit (42) and a drawer (44) being hinged by a journal (22, 42A, 42B) connected to the display unit (Figure 3) and by a front part (44A-44D) of the drawer relative to which the journal is suitable for being able to pivot (Figures 1 and 4), in which the journal comprises a plurality of housings (24) and in which locking means (10,12; Figure 4) comprise a rod (14) fixed in rotation to the drawer and suitable for sliding relative to the journal between a locked position (Figures 1 and 4) and an unlocked position (the journal is in the unlocked position when in motion: when the teeth (16) are in between (26) the housings (24)), and teeth (16) fixed to the rod and suitable for cooperating selectively with one of said housings in the locked position (Figure 4) and for being removed from said housing in the unlocked position (at apex (26), which is in between each housing (24)) as shown in Figures 1-4. It would have been obvious to

Art Unit: 3637

one of ordinary skill in the art at the time the invention was made to modify the drawer of Blum by mounting a hinge assembly and locking means as taught by Daoud, since such a modification would allow for the display unit to be positioned at more angles relative to the drawer.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blum in view of Weinstock et al. (US 5426572).

Regarding claim 3, Blum discloses the display unit having a lower face (see annotated Figure 1).

Blum does not disclose the lower face being equipped with illuminating means.

Weinstock teaches an illuminating means (11) as shown in Figures 1-5; Column 2 Lines 50-52, which is mounted to the lower face of the display unit of Blum. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the display unit of Blum by equipping its lower face with an illuminating means as taught by Weinstock, since such a modification would provide light to products on display units and drawers below the lower face.

Claims 4-6, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Blum in view of Christiansen (US 3005282).

Regarding claim 4, Blum discloses the stand (10) in which the display unit (42) comprises a shelf (46) having an upper face (see annotated Figure 1).

Blum does not disclose a block suitable for displaying said at least one sample and having a lower face suitable for cooperating with said upper face of the shelf in order to fix said block to said shelf.

Christiansen teaches a block (2) having a lower face (see annotated Figure 2) suitable for cooperating with an upper face (see annotated Figure 1) of a shelf (1) in order to fix said block to said shelf as shown in Figures 1 and 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the drawer of Blum by mounting a block as taught by Christiansen, since such a modification would allow for easier access to objects placed on the display unit.

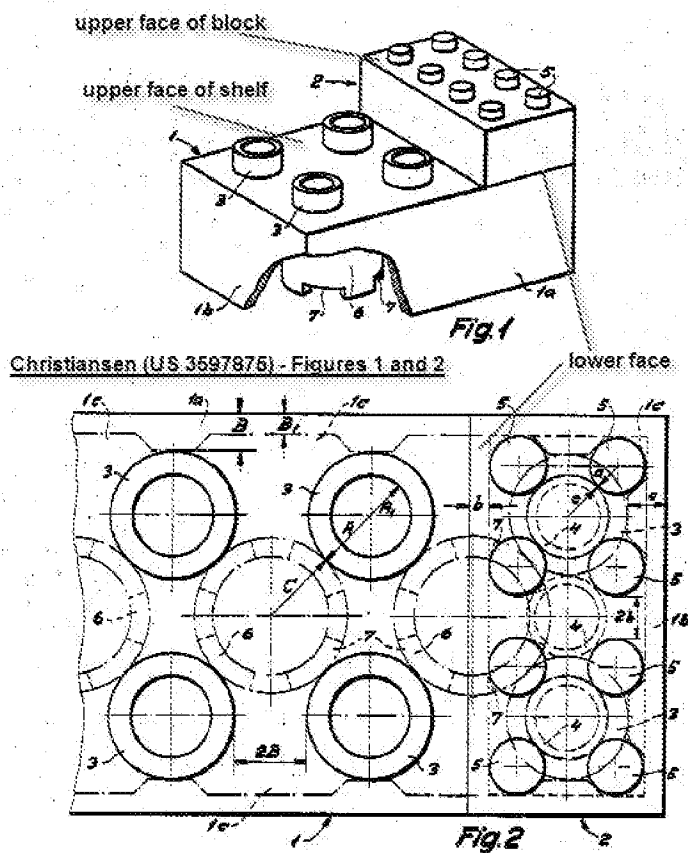
Regarding claim 5, Blum does not disclose said lower face of the block cooperating releasably with said upper face of the shelf. Christiansen teaches the lower face (see annotated Figure 2) of the block (2) cooperating releasably with an upper face (see annotated Figure 1) of a shelf (1) as shown in Figure 1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the display unit of Blum by mounting a block cooperating releasably onto a shelf as taught by Christiansen, since such a modification would allow for easier access to objects on the display unit.

Regarding claim 6, Blum, does not disclose the block comprising an upper face provided with cells suitable for receiving said samples.

Christiansen teaches a block (2) comprising an upper face (see annotated Figure 2) provided with cells (5) as shown in Figure 1, which is placed onto the upper face of the display unit of Blum. It would have been obvious to one of ordinary skill in the art at

Art Unit: 3637

the time the invention was made to modify the drawer of Blum by mounting a block having cells as taught by Christiansen, since such a modification would allow for objects stored on the block to protrude from the upper face.



With respect to the limitation that the upper face is suitable for receiving said samples, the examiner takes the position that it's an intended use which is given no patentable weight. In addition, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Macham*, 2 USPQ2d 1647 (1987).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Albano (US 4620489), Padiak et al. (US 6378818), Florian (US 3899076), Tipton et al. (US 5115920), Wilkerson et al. (US 6267285), Babboni et al. (US 5944201), Nash, Jr. (US 6619052), Saraji (US 6179434), Fujii et al. (US 6866352), Garnier (US 6336564), Ellis (US 5749478), Sklenak et al. (US 5034861), Roorda et al. (US 5842775), Powers (US 1866723), Menkel (US 3774774), Meyers et al. (US 61897070), Ireland et al. (US 6318684), Parker (US 5738019), Conway (US 6434871), Stout (US 1995656), Edsall (US 0473919), Stone (US 2950041), Bolinas et al. (US 5765263), Migli (US 6584645), Connor (US 4734955), Roesler (US 4441771), Koves (US 5242223), and Coushaine (US 7390104) all comprise characteristics similar to those in the applicant's specification.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDRES GALLEG0 whose telephone number is (571)270-7630. The examiner can normally be reached on Monday - Friday, 7:30 AM - 5:00 PM EST (Every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3637

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lanna Mai/
Supervisory Patent Examiner, Art Unit 3637

/ANDRES GALLEGOS/
Examiner, Art Unit 3637
10/7/09